

TOWN OF WELLESLEY



REPORTS TO THE SPECIAL TOWN MEETING

**MONDAY, APRIL 3, 2017
7:00 P.M.**

at the

**MIDDLE SCHOOL AUDITORIUM
WELLESLEY MIDDLE SCHOOL**

by the

ADVISORY COMMITTEE

Please read this Report and bring it with you to the Special Town Meeting.

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TOWN OF WELLESLEY



ADVISORY COMMITTEE LETTER SPECIAL TOWN MEETING April 3, 2017, at 7:00 p.m. Wellesley Middle School Auditorium Wellesley Middle School

TERM ENDS 2017

Chad Harris
Michael Mastrianni
Frank Pinto, Chair
Sara Raveret, Secretary
Kathleen Woodward

TERM ENDS 2018

Tom Fitzgibbons
Mike Hluchyj, Vice Chair
Mark Kaplan, Vice Chair
Alena Poirier
Ria Stolle

TERM ENDS 2019

Jane Andrews
Rose Mary Donahue
John Hartnett
Thomas Skelly
Andrea Ward

To the Town Meeting Members of the Town of Wellesley:

March 23, 2017

A Special Town Meeting will convene on Monday, April 3rd at 7:00 p.m. at the Wellesley Middle School Auditorium, 40 Kingsbury Street. All residents are welcome to attend the meeting in person, or to follow the proceedings on Wellesley Media Corporation's Government Channel (Comcast Channel 8, Verizon Channel 40). The meeting will also be streamed live at www.wellesleymedia.org.

Town Meeting Members will be asked to approve a long-term ground lease of Town-owned property at 900 Worcester Street and bylaw changes to accommodate the building of a recreational facility. The 900 Worcester Street project dates back to 2008 and has involved approximately 150 volunteers, numerous committees and boards, and several Town Meetings. The goal has been to establish a recreational facility on Town-owned land that is built and operated by a third party.

The new facility, which will be built by the developer and privately-operated, will include two NHL-size ice rinks with seating capacity for 750 spectators, a main swimming pool (10 lanes at 25 yards) with seating capacity for 400 spectators, plus a smaller pool with warm water and zero-type entry. An indoor turf field will be suitable for 7 v 7 soccer. There will be a second floor fitness area with space for physical therapy and a fitness center. The facility will also include locker rooms, a pro shop, and concessions.

Key lease provisions under Article 2, Motion 1 include:

- 50-year term, with two 20-year renewals
- Tenant responsible for all improvements and mitigation work, which will include a new signal light on Route 9 for a left-hand turn from the site
- Normal permitting processes to be followed
 - Wetlands (Wetlands Protection Committee)
 - Project of Significant Impact (Planning Board)
 - Site Plan Approval (DRB & ZBA)
- Tenant to pay property taxes and ground lease rent according to a schedule; there will be a deferred start date due to the significant mitigation work
- Wellesley users to pay market rate, but have preferential access through defined schedules for rinks and pools

Surface license agreements:

Article 2, Motion 2 asks Town Meeting approval for the School Committee to enter into five-year contractual agreements to purchase times reserved on the rink and pool schedules.

Zoning:

In order for this project to move forward, the Board of Selectmen has proposed a newly created Commercial Recreation Overlay District under Article 2, Motion 3. If Article 2, Motion 3 is approved, then the Town Zoning Map would need to be amended to rezone the parcel at 900 Worcester Street into the new Overlay District; this action is proposed under Article 2, Motion 4.

Next steps:

If the Special Town Meeting approves the authorization of the lease and the zoning proposals, then the developer will be able to bypass the time constraints of the Annual Town Meeting and keep the project moving forward. The goal is to have all permitting in place so that construction can begin in the fall of 2017. The developer plans to open the facility in the fall of 2018.

I would like to personally extend my thanks to my committed Advisory colleagues for their responsiveness on short notice and also for their diligence in engaging in their analysis of the merits of Article 2.

We look forward to seeing you at this Special Town Meeting and welcome your input.

Sincerely,

Frank Pinto, Chair
Advisory Committee

Article 1. To see if the Town will vote to choose a Moderator to preside over said meeting and to receive reports of town officers, boards and committees, including the Report of the Advisory Committee; or take any other action in relation thereto.

Board of Selectmen

Advisory expects no motion under this Article.

Article 2. To see if the Town will vote to:

- (1) authorize the Board of Selectmen to enter into one or more leases of certain parcels of town-owned land located at 900 Worcester Street for the purposes of constructing a recreational facility on such terms and conditions, including dollar amounts, as said Board deems to be in the Town's interest;
- (2) amend the Zoning Bylaw by adding a new section, Section XVI. Commercial Recreation Overlay District, to allow for the grouping of commercial recreational uses into a planned facility on specific project areas as follows:

SECTION XVI. COMMERCIAL RECREATION OVERLAY DISTRICT.

A. Purpose

The purpose of this bylaw is to establish an overlay zoning district which allows for the grouping of commercial recreational uses into a planned, integrated facility, including related services and commercial uses, by establishing standards for the placement, design, and construction of high quality, planned recreational facilities to enhance the diversity of recreationally based commercial attractions and the overall quality of life within the Town of Wellesley.

B. Applicability

The District shall be shown on the Zoning Map of the Town of Wellesley, Massachusetts and shall be considered as overlaying other existing zoning districts. This overlay zoning district shall not prohibit the development of uses or property consistent with the applicable underlying/base zoning district.

C. Use Regulations

In the Commercial Recreation Overlay District, the following specified uses shall be allowed, as prescribed; such uses shall be allowed in conjunction with other uses of the property:

1. Permitted Uses

- a. Commercial Recreation Facility, a use where recreation activities are conducted entirely indoors, in one or more buildings, for commercial purposes, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised activities and/or sports, including, but not limited to, ice skating and hockey, swimming and diving, and field sports. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, snack and concession facilities, retail sales of related sports, health or fitness items, and other support facilities. Ancillary office and conference facilities may be provided, the total floor area of which shall not exceed 10% of the total gross floor area of the building in which such facilities are located. A Commercial Recreation Facility shall be subject to the following requirements, which shall control in the event of conflict between the requirements set forth below and those set forth in the underlying zoning district in which the facility(ies) is located and/or in other applicable sections of the Zoning Bylaw:

- i. Minimum Lot or Development Area:

No Commercial Recreation Facility shall be developed or conducted on a lot or Development Area, as defined in Section IA, containing less than five (5) acres.

- ii. Setback/Yard Requirements:

Front Yard: The front yard depth shall be at least 30 feet;

Side Yard: Each side yard shall have a depth of at least 20 feet; provided, however, that where the lot abuts a lot located in the Conservation District or Single Residence District zoning district, the side yard depth shall not be less than 50 feet.

Rear Yard: The rear yard depth shall be at least 40 feet; provided, however, that where the lot abuts a lot located in the Conservation District or Single Residence District zoning district, the rear yard depth shall not be less than 50 feet.

- iii. Building Height:

Building height, as regulated in Section XX, Heights of Buildings or Structures, shall not exceed a maximum of 50 feet.

- iv. Floor Area Ratio:

Floor Area Ratio shall not exceed a maximum of 0.39.

- v. Open Space/Lot Coverage:

The minimum required Open Space shall be 40%.

vi. Signage:

Signs shall comply with the requirements of Section XXIIA, Signs, and, for the purposes of regulation under such section, this District shall be considered to be a Commercial District Fronting Worcester Street as defined therein.

vii. Off-Street Parking; Required Parking:

Off-street parking shall comply with the requirements of Section XXI, Off-Street Parking, except that within such section there is no required parking established for this District or use, therefore, the required parking for this use shall be one space for every 3 permanent spectator seats, which shall include folding bleachers that are attached to buildings, but not less than one space per 1,000 square feet of floor area of buildings.

- b. Any similar indoor recreational use not listed above may be allowed with the issuance of a special permit, as hereinafter provided in Section XXV, Special Permit Granting Authority, after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized in this Section.

D. Project Approval

The provisions of Section XVIA. Project Approval. shall apply.

- (3) amend the Zoning Map of the Town of Wellesley, Massachusetts by overlaying the new Commercial Recreation Overlay District on the parcel located at 900 Worcester Street (Assessor's Parcel ID# 192-10) totaling approximately 341,802 square feet: and.
- (4) authorize the School Department to enter into one or more contracts, leases or licenses with the Owner and operator of the athletic facility located at 900 Worcester Street; .

Or take any other action in relation thereto.

Board of Selectmen

The 900 Worcester Street project has been many years in the making, and the Town is very close to realizing the notion of a recreational facility on Town-owned land that is built and operated by a third party, is reasonably priced, and appeals to a wide range of ages and groups. This project has truly taken a village to realize, involving an estimated 150 volunteers whose "indefatigable energy" was recently lauded by the Board of Selectmen (BOS).

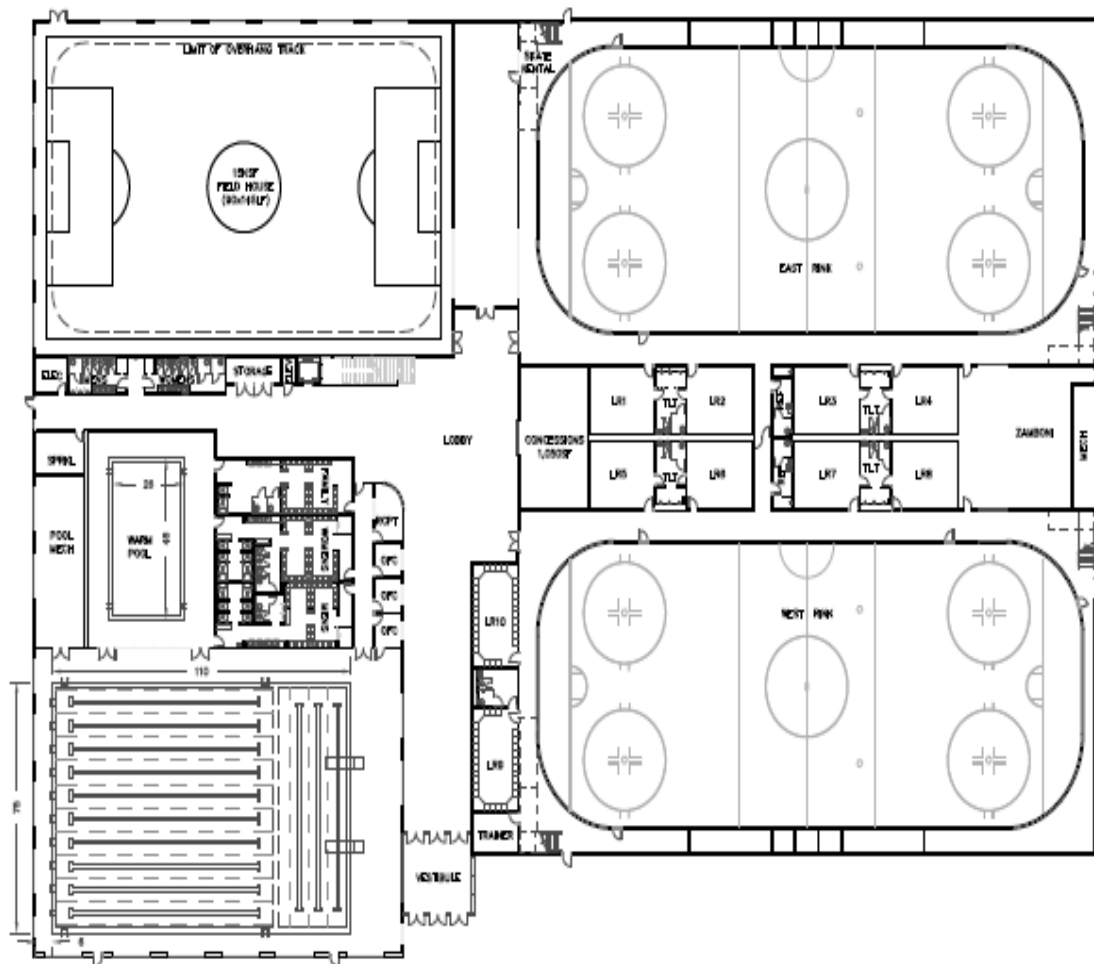
This project dates back to 2008/9, when the Playing Field Task Force quantified future field needs for the Town: two fields (turf and lights), a skating rink, and a public pool. The Recreation Department participated in a land use study for the St. James site at 900 Worcester Street

conducted by the Planning Board in 2009 and 2010, proposing the suitability of recreational uses for the site. From 2010 to 2012, an Ad Hoc Committee conducted a fit test, obtained an appraisal, estimated development costs and began working with various user groups (Wellesley Youth Hockey, pool groups, etc.).

In 2012, a Special Town Meeting (STM) authorized the purchase of the property for \$4.16 million, \$2.6 million of which was appropriated from CPA funds. The STM also created the 900 Worcester Planning Committee, which has been instrumental in moving this project forward. The acquisition of the 8-acre property closed in 2014, and an October STM rescinded the prior appropriation of CPA funds for the acquisition, following the significant appropriation of CPA funds towards the cost of the North 40 acquisition. The entire 900 Worcester acquisition cost was refunded with General Fund taxable debt. The amount appropriated was slightly higher, principally due to the greater than expected cost estimate of asbestos remediation and demolition of the church and rectory structures.

In August 2015, the Town issued the first Request for Proposals (RFP) for the private development and operation of a recreational facility, receiving three responses. The 900 Worcester Committee reviewed, scored, and ultimately rejected all respondents, reissuing the RFP in March of 2016 to elicit more detailed information. Only Edge Sports Group (ESG), who had been one of the initial respondents, submitted a response. After another round of review and scoring, the BOS, at the recommendation of the 900 Worcester Committee, issued a Conditional Notice of Award to ESG (now Wellesley Sports Group, LLC) in June 2016. The BOS sought additional information regarding: name and qualifications of the operator; programming description and schedule for the aquatic and fitness centers; detailed description of the physical facility; membership/use cost; and preferred hours or rates for Town residents and/or Wellesley Public Schools (WPS). ESG submitted their response on September 1, 2016, and lease negotiations have ensued. The BOS signed the lease on March 2, 2017. The executed lease and supporting documentation can be viewed at http://www.wellesleyma.gov/Pages/WellesleyMA_News/02543163-000F8513. Authorizing the BOS to execute the lease is proposed under Motion 1 of this Article.

The facility includes two ice rinks, an indoor turf field, two pools, concessions, physical therapy, fitness areas, and locker rooms.



Skating amenities will include:

- Two NHL size rinks (85' x 200')
- Seating capacity for 750 spectators at the west rink
- 10 locker rooms
- Pro shop

The skating program will include: learn to skate, figure skating, public skating, and competitive hockey with preferential rink times for Wellesley High School (WHS), Wellesley Youth Hockey Club and Dana Hall. There will also be: learn to play hockey, skills development, adult league, tournaments and summer league.

Pool amenities (operated by Charles River Aquatics) will include:

Main pool:

- 10 lanes (25 yards) lengthwise to bulkhead
- 3 lanes (25 yards) widthwise
- 1 meter diving board
- Seating for 400 spectators

Teaching/Fitness/Leisure pool:

- Minimum 50' x 25'
- Warm water
- Zero-type entry access

Pool programs will include: lap swim, learn to swim, aquatic fitness, aquatic therapy and rehabilitation, water safety and education, recreation and open swim, competitive aquatics, and preferential times for WHS and Wellesley Swim Association.

Other facility amenities will include:

- Indoor turf field measuring 90' x 150' suitable for 7 v 7 soccer
- 2nd floor fitness area with 4,800 square feet of physical therapy and 6,600 square feet of strength and conditioning
- Concessions

Green features:

The developer is in discussions with the Wellesley Municipal Light Plant (MLP) regarding the installation of a 900 kW solar array. Grey water from ice shavings will be recycled for refrigeration and landscaping purposes, resulting in half the water use of typical arenas. Facility heating will be provided through a heat reclaim process from the refrigeration system. This recaptures over 80 percent of the heat from the ice-making system.

Town Economics:

Total appropriations are at \$5,083,694, and expenditures to-date are approximately \$4,600,000, due to the church demolition bid being significantly less expensive than anticipated and because the developer is bearing the cost of the traffic study. Annual debt service is estimated at \$295,000 (30-year, level payment), including debt service on over \$450,000 of excess funds available for other purposes. The initial estimate of incremental property taxes is \$200,000, but it won't be known until the assessors assign a value. Ground lease rent will be \$210,000 starting in Year 11.

Site Development Issues:

The developer will need to work with the Massachusetts Department of Transportation (MassDOT) to facilitate plans for vehicular ingress/egress. A portion of the site is located within the 100-year flood plain; further, stormwater must be accommodated on-site since there is no drainage infrastructure within Route 9. The developer is working with the adjacent property owner on stormwater issues, and it is expected that the issues will be addressed as part of the PSI (Project of Significant Impact) and Site Plan Reviews. Additionally, while the developer believes that zoning requirements for on-site parking can be met, he is also working with the adjacent property owner to gain supplementary parking for selected peak-time events (e.g., WHS hockey games).

Next steps:

Should this STM approve Article 2, the developer's timetable would be:

- PSI application submission – April 13, 2017
- Planning Board PSI Hearing – June/July 2017
- ZBA Site Plan Approval – August/September 2017
- Begin construction – Fall 2017
- Open facility – Fall 2018

ARTICLE 2, MOTION 1: LEASE AUTHORIZATION

That the Town vote to authorize the Board of Selectmen to execute a lease for the 900 Worcester Street parcel of land with Wellesley Sports Group, LLC, upon such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; said parcel being shown as "900 Worcester Street" on a plan entitled "Existing Conditions Plan, 900 Worcester Street, Wellesley, MA", by David J. Hickey, Town Engineer, dated February 1, 2013, said parcel containing 341,802 square feet, according to said plan, a copy of which is on file in the office of the Town Clerk.

Key lease provisions include:

- 50-year term, with two 20-year renewals
- Tenant responsible for all improvements and mitigation work, which will include a new signal light on Route 9 for a left-hand turn from the site
- Normal permitting processes to be followed
 - Wetlands (Wetlands Protection Committee)
 - Project of Significant Impact (Planning Board)
 - Site Plan Approval (DRB & ZBA)
- Tenant to pay property taxes and ground lease rent according to a schedule; there will be a deferred start date due to the significant mitigation work
- Wellesley users to pay market rate, but have preferential access through defined schedules for rinks and pools

Ground lease rent schedule:

Rent negotiation considerations included reducing rent in the initial years to offset the cost of traffic signal work, which ESG will be working on with MassDot. The imputed fair market value of rent is \$280,000, based on the Collier 2012 appraised value of \$4 million for "highest and best use" multiplied by a cap rate of 7%. This is considered a standard approach for such a purpose. In return, Wellesley residents gain the benefit of preferential access time.

Years	Annual Rent
1-10	0
11-15	\$210,000
16-20	\$231,000
21-25	\$254,100
26-30	\$279,510
31-35	\$307,461
36-40	\$338,207
41-45	\$372,028
46-50	\$409,231

Advisory Considerations:

The Advisory Committee applauds the efforts of the many, many individuals who were instrumental in bringing this once-thought-impossible project to fruition. All ages will benefit from having an easily accessible recreational facility, and it is advantageous for the Town to own the property but not assume the risk of building and owning the facility. Rent from the developer will be a new source of income for the Town; however, the Advisory Committee recognizes that the goal of this project is not purely to make the most money from the property but to provide recreational activities to Wellesley residents at preferential times and at market rates. Advisory members discussed the importance of including as many “green features” as possible in the facility and are pleased that the developer is in discussions with the Wellesley Municipal Light Plant (MLP) to achieve that goal. Advisory members are impressed with the long-range planning that went into the lease negotiations and agree that the proposed terms and conditions are in the best interest of the Town.

Passage requires a 2/3 vote.

Advisory recommends favorable action, 12 to 0.

ARTICLE 2, MOTION 2: SCHOOL DEPARTMENT CONTRACT

That the Town vote to authorize the School Department to enter into one or more contracts, leases or licenses with Wellesley Sports Group, LLC, the owner and operator of the athletic facility located at 900 Worcester Street.

Surface license agreements:

Town Meeting approval is needed for the School Committee to enter into five-year contractual agreements to purchase times reserved on the rink and pool schedules for school teams. Authorizing the School Department to enter into contracts, leases or licenses with Wellesley Sports Group, LLC, is proposed under this Motion.

Preferential rink times:

Wellesley Youth Hockey Assoc. (September – April)

Weekday start times 5:20 pm – 9:10 pm

Saturday start times 7:00 am – 8:10 pm

Sunday start times 8:00 am – 1:10 pm
High School Season (Thanksgiving to March)
WHS Weekday start times 4:30 pm to 5:40 pm
WHS Sunday start times 6:40 pm to 9:00 pm
WHS Wednesday games start times 5:40 pm – 9:10 pm
WHS Saturday games start times 5:30 pm – 9:00 pm

Preferential pool times:

Wellesley Swimming Association (September – June)
Weekdays 5:30 pm – 7:30 pm
Wellesley High School Swimming & Diving (September – June)
Weekdays 3:30 pm – 5:30 pm
Saturdays 9 am – 11 am

Advisory Considerations:

A goal of this project from the beginning has been to provide access for Wellesley school and youth programs to aquatic facilities for swim teams and ice time for hockey teams. Advisory is pleased that the School Department has the opportunity to enter into a formal agreement to secure these preferential times and that the School Department will have the option to renew the agreements at the end of five years. This is an important component of Article 2 and in the long-term expectations for Wellesley residents regarding this recreational facility.

Passage requires a 2/3 vote.

Advisory recommends favorable action, 12 to 0.

ARTICLE 2, MOTION 3: AMEND ZONING BYLAW

That the Town vote to amend the Zoning Bylaw by adding a new section, Section XVI. Commercial Recreation Overlay District, to allow for the grouping of commercial recreational uses into a planned facility on specific project areas to read as follows:

SECTION XVI. COMMERCIAL RECREATION OVERLAY DISTRICT.

A. Purpose

The purpose of this bylaw is to establish an overlay zoning district which allows for the grouping of commercial recreational uses into a planned, integrated facility, including related services and commercial uses, by establishing standards for the placement, design, and construction of high quality, planned recreational facilities to enhance the diversity of recreationally based commercial attractions and the overall quality of life within the Town of Wellesley.

B. Applicability

The District shall be shown on the Zoning Map of the Town of Wellesley, Massachusetts and shall be considered as overlaying other existing zoning districts. This overlay zoning

district shall not prohibit the development of uses or property consistent with the applicable underlying/base zoning district.

C. Use Regulations

In the Commercial Recreation Overlay District, the following specified uses shall be allowed, as prescribed; such uses shall be allowed in conjunction with other uses of the property:

1. Permitted Uses

- a. Commercial Recreation Facility, a use where recreation activities are conducted entirely indoors, in one or more buildings, for commercial purposes, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised activities and/or sports, including, but not limited to, ice skating and hockey, swimming and diving, and field sports. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, snack and concession facilities, retail sales of related sports, health or fitness items, and other support facilities. Ancillary office and conference facilities may be provided, the total floor area of which shall not exceed 10% of the total gross floor area of the building in which such facilities are located. A Commercial Recreation Facility shall be subject to the following requirements, which shall control in the event of conflict between the requirements set forth below and those set forth in the underlying zoning district in which the facility(ies) is located and/or in other applicable sections of the Zoning Bylaw:

- i. Minimum Lot or Development Area:

No Commercial Recreation Facility shall be developed or conducted on a lot or Development Area, as defined in Section IA, containing less than five (5) acres.

- ii. Setback/Yard Requirements:

Front Yard: The front yard depth shall be at least 30 feet;

Side Yard: Each side yard shall have a depth of at least 20 feet; provided, however, that where the lot abuts a lot located in the Conservation District or Single Residence District zoning district, the side yard depth shall not be less than 50 feet.

Rear Yard: The rear yard depth shall be at least 40 feet; provided, however, that where the lot abuts a lot located in the Conservation District or Single Residence District zoning district, the rear yard depth shall not be less than 50 feet.

- iii. Building Height:

Building height, as regulated in Section XX, Heights of Buildings or Structures, shall not exceed a maximum of 50 feet.

iv. Floor Area Ratio:

Floor Area Ratio shall not exceed a maximum of 0.39.

v. Open Space/Lot Coverage:

The minimum required Open Space shall be 40%.

vi. Signage:

Signs shall comply with the requirements of Section XXIIA, Signs, and, for the purposes of regulation under such section, this District shall be considered to be a Commercial District Fronting Worcester Street as defined therein.

vii. Off-Street Parking; Required Parking:

Off-street parking shall comply with the requirements of Section XXI, Off-Street Parking, except that within such section there is no required parking established for this District or use, therefore, the required parking for this use shall be one space for every 3 permanent spectator seats, which shall include folding bleachers that are attached to buildings, but not less than one space per 1,000 square feet of floor area of buildings.

- b. Any similar indoor recreational use not listed above may be allowed with the issuance of a special permit, as hereinafter provided in Section XXV, Special Permit Granting Authority, after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized in this Section.

D. Project Approval

The provisions of Section XVIA. Project Approval. shall apply.

Advisory Considerations:

In order for this project to move forward, the Board of Selectmen has proposed a new Commercial Recreation Overlay District and has proposed to rezone the 900 Worcester Street parcel to the new Commercial Recreation Overlay District (the rezoning would not alter the underlying Single Residence District zoning). The new Commercial Recreation Overlay District would allow for indoor recreational activity. This type of overlay district could be used in the future for other properties in Town (with a minimum of five acres).

The new Commercial Recreation Overlay District would include:

- Minimum Lot or Development Area: 5 Acres
- Setback/Yard Requirements:
 - Front Yard: 30 feet
 - Side Yard: 20 feet; 50 feet abutting residential district
 - Rear Yard: 40 feet; 50 feet abutting residential district

- Building Height: Maximum of 50 feet
- Floor Area Ratio: Maximum of 0.39
- Open Space/Lot Coverage: Minimum of 40%
- Off-Street Parking: 1 space for every 3 permanent spectator seats, but not less than one space per 1,000 square feet of floor area of buildings.

Advisory members discussed the plans for parking, including compact car spaces, which are governed by existing zoning rules, and handicapped spaces, which are governed by State law. Stormwater issues will be addressed during the permitting process, as will lighting options for the parking lot.

Advisory considers the creation of the Commercial Recreation Overlay District thoughtfully outlined and believes it includes appropriate protections for future development at other sites. Favorable action on this Motion would provide the mechanism needed to move forward with the recreational facility at 900 Worcester Street.

Passage requires a 2/3 vote.

Advisory recommends favorable action, 12 to 0.

ARTICLE 2, MOTION 4: AMEND ZONING MAP

That the Town vote to amend the Zoning Map of the Town of Wellesley, Massachusetts by overlaying the new Commercial Recreation Overlay District on the parcel located at 900 Worcester Street (Assessor's Parcel ID# 192-10) totaling approximately 341,802 square feet.

Advisory Considerations:

If Motion 3 of this Article passes, then the Town Zoning Map would need to be amended accordingly. Motion 4 of this Article requests the Town vote to amend the Zoning Map by overlaying the new Commercial Recreation Overlay District onto the 900 Worcester Street property.

Passage requires a 2/3 vote.

Advisory recommends favorable action, 12 to 0.